

KEVIN G. HORBATIUK (KG-4977)
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CUNNINGHAM DUCT WORK s/h/i/a
CUNNINGHAM DUCT CLEANING CO., INC.
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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**IN RE COMBINED WORLD TRADE CENTER
AND LOWER MANHATTAN DISASTER SITE
LITIGATION**
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21 MC 102 (AKH)

JULIO HURTADO and ELDA MONICA MONTES,

DOCKET NO.:
07 CV 05295

Plaintiffs,

-against-

**100 CHURCH, LLC, 63 WALL STREET, INC.,
63 WALL, INC., 90 CHAMBERS REALTY LLC 90
CHURCH STREET LIMITED PARTNERSHIP,
ALAN KASMAN DBA KASCO, AMBIENT
GROUP, INC., AMERICAN EXPRESS BANK,
LTD., AMERICAN EXPRESS COMPANY, AMERICAN
EXPRESS TRAVEL RELATED SERVICES COMPANY,
INC., ANN TAYLOR STORES CORPORATION,
BATTERY PARK CITY AUTHORITY,
BELFOR USA GROUP, INC., BFP ONE TOWER C
CO., LLC., BFP TOWER C MM LLC., BLACKMON
MOORING STEAMATIC CATASTOPHE, INC., d/b/a
BMS CAT, BOARD OF EDUCATION OF THE CITY
OF NEW YORK, BOARD OF MANAGERS OF THE
HUDSON VIEW EAST CONDOMINIUM, BOSTON
PROPERTIES, INC., BROOKFIELD FINANCIAL
PROPERTIES, INC., BROOKFIELD FINANCIAL
PROPERTIES, L.C., BROOKFIELD PARTNERS, L.P.,
BROOKFIELD PROPERTIES CORPORATION,
BROOKFIELD PROPERTIES HOLDINGS, INC.,
BROWN BROTHERS HARRIMAN & CO., INC.,
BT PRIVATE CLIENTS CORP., CUNNINGHAM DUCT
CLEANING CO., DEPARTMENT OF**

**NOTICE OF
ADOPTION OF
ANSWER TO MASTER
COMPLAINT**

BUSINESS SERVICES, DEUTSCHE BANK TRUST COMPANY, DEUTSCHE BANK TRUST COMPANY AMERICAS, DEUTSCHE BANK TRUST CORPORATION, ENVIROTECH CLEAN AIR, INC FGP 90 WEST STREET, INC., GPS ENVIRONMENTAL CONSULTANTS, INC., HILLMAN ENVIRONMENTAL GROUP, LLC HUDSON VIEW EAST CONDOMINIUM, HUDSON VIEW TOWER ASSOCIATES, INDOOR AIR PROFESSIONALS, INC., INDOOR ENVIRONMENTAL TECHNOLOGY, INC., KASCO RESTORATION SERVICES CO., KIBEL COMPANIES, LAW ENGINEERING, P.C., LEHMAN BROTHERS HOLDINGS, INC., LEHMAN BROTHERS, NC., LEHMAN COMMERCIAL PAPER, INC., MCCLIER CORPORATION, MERRILL LYNCH & CO., INC., NEW YORK CITY SCHOOL CONSTRUCTION AUTHORITY, NOMURA HOLDING AMERICA, INC., NOMURA SECURITIES INTERNATIONAL, INC., ONE WALL STREET HOLDINGS, LLC., R Y MANAGEMENT CO., INC. ROYAL AND SUNALLIANCE INSURANCE GROUP, PLC., RY MANAGEMENT, SABINE ZERARKA, STRUCTURE TONE (UK), INC., STRUCTURE TONE GLOBAL SERVICES, INC., SWISS BANK CORPORATION, THE BANK OF NEW YORK COMPANY, INC., TISHMAN INTERIORS CORPORATION, TISHMAN SPEYER PROPERTIES, TOSCORP INC., TRAMMEL CROW COMPANY, TRAMMELL CROW CORPORATE SERVICES, INC., TRC ENGINEERS, INC., TRIBECA LANDING LLC., TULLY CONSTRUCTION CO., INC., TULLY INDUSTRIES, INC., V C CUCINIELLO, VERIZON NEW YORK INC., WESTON SOLUTIONS, INC., WFP RETAIL CO., G.P., CORP., WFP RETAIL CO. L.P., WFP TOWER B CO., G.P., CORP., WFP TOWER B HOLDING CO., LP, WFP TOWER B. CO., L.P., WFP TOWER D CO. G.P., WFP TOWER D HOLDING CO. I. L.P., WFP TOWER D HOLDING CO. II L.P., WFP TOWER D HOLDING I G.P., WFP TOWER D. CO., L.P., and ZAR REALTY MANAGEMENT CORP.,

Defendants.

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PLEASE TAKE NOTICE, that defendant CUNNINGHAM DUCT WORK s/h/i/a CUNNINGHAM DUCT CLEANING CO., INC. by its attorneys, RUSSO, KEANE & TONER, LLP, as and for its Response to the allegations set forth in the Complaint by Adoption (Check-Off-

Complaint) Related to the Master Complaint filed in the above referenced action, hereby adopt their Answer to Master Complaint dated, August 1, 2007, which was filed in the matter of *In Re World Trade Center Lower Manhattan Disaster Site Litigation*, 21 MC 102 (AKH).

WHEREFORE, the defendant, CUNNINGHAM demands judgment dismissing the above captioned caption action as against it, together with its costs and disbursements and for such other and further relief as this Court deems just and proper.

Dated: New York, New York
January 31, 2008

Kevin G. Horbatiuk
Kevin G. Horbatiuk (KGH4977)
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TO: CHRISTOPHER R. LaPOLA, ESQ.,
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CERTIFICATION OF SERVICE

I hereby certify that a copy of the above and foregoing has been served upon the following listed person by placing a copy of the same in the United States mail, postage prepared and properly addressed, this the 31st day of January, 2008.

CHRISTOPHER R. LaPOLA, ESQ.,
WORBY GRONER EDELMAN & NAPOLI BERN, LLP
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JULIO HURTADO and ELDA MONICA MONTES
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A handwritten signature in cursive script, reading "Kevin G. Horbatiuk", written in black ink.

KEVIN G. HORBATIUK